

**MINUTES  
of the  
THIRD MEETING  
of the  
LAND GRANT COMMITTEE  
September 2-3, 2004  
Carnuel**

The third meeting of the Land Grant Committee was called to order by Senator Bernadette M. Sanchez, chair, at 10:35 a.m. in the Cañón de Carnue Land Grant Hall.

**PRESENT**

Sen. Bernadette M. Sanchez, chair  
Rep. Miguel P. Garcia, vice chair  
Sen. Rod Adair (Sept. 3)  
Sen. Richard C. Martinez  
Rep. Debbie A. Rodella

**ABSENT**

Rep. Don Tripp

**Advisory Members**

Rep. Eric A. Youngberg (Sept. 2)

Sen. Joseph J. Carraro  
Rep. Ben Lujan  
Rep. Bengie Regensberg

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Jon Boller  
Sheila Manzagol

**Guests**

A copy of the guest list is in the meeting file.

**Thursday, September 2**

Senator Sanchez welcomed the public to the meeting. Committee members introduced themselves, as did members of the public.

**CARNUE LAND GRANT**

Moises Gonzales and Richard Nieto, Cañón de Carnue Land Grant, presented a history of the land grant to the committee. Mr. Gonzales explained that the east mountain area of Bernalillo County and Tarrant County contained the second most numerous functioning community land grants in New Mexico. La Merced del Pueblo de Cañón de Carnue, or Carnue Land Grant as it is commonly known, was one of the earliest grants made in the state, circa 1763, originally

contained approximately 90,000 acres, he said, and was established as a defensive settlement for the Villa de Albuquerque by Tomás Velez Cachupin. The grant was abandoned in the 1770s, but was later resettled and finally reissued its community grant status in 1819. In 1903, the Court of Private Land Claims, basing its decision on the Supreme Court's *Sandoval* decision, reduced the 90,000 acre claim to 2,000 acres. The grant lost another 1,000 acres of land with the arrival of Route 66 and later Interstate 40, according to Mr. Gonzales, leaving the grant with about 1,000 acres in total today. Due to the proximity of the grant to Albuquerque, the grant pays very high property taxes, possibly the most of any grant, he said. When asked about losing land to highway construction, Mr. Gonzales said he hopes there could be a way for land grants to retrieve lands that were condemned but that are later found to not be necessary for state projects. Committee members asked that staff research whether a bill could be drafted to allow community land grants a first right of refusal to purchase any state-owned lands that are being sold and were originally part of the grant. Mr. Gonzales said he is also concerned about proposals to construct a land bridge across I-40 in Tijeras Canyon, or expand the number of traffic lanes, since that would take even more of the little remaining land of the grant. The committee requested that the department of transportation and the department of game and fish be invited to the next meeting to address any such plans and to include land grant members in any planning in the future that might affect land grants.

### **TORREÓN LAND GRANT**

Jose Perea, Torreón Land Grant, gave a brief history of the grant, saying that the grant was surveyed by the United States in 1859 and 1881, and that of the 31,000 acres described in the survey, 14,000 acres were eventually patented in 1907. Unfortunately, he said, most of the land was eventually lost to pay back taxes, and only about 100 acres of common land remains in grant hands. He said that much sacrifice went into keeping the grant together; for example, at one time each family had to donate money to pay for a teacher for the school. The grant is governed under the general provisions, he noted, and the board is being reorganized in accordance with the recent changes in statute. When asked about water issues, Mr. Perea explained that there is no longer any water in the arroyo to supply the acequia, but that Torreón does have a domestic water system that supplies approximately 72 families.

### **SAN ANTONIO DE LAS HUERTAS LAND GRANT**

Tony Lucero, San Antonio de las Huertas Land Grant, said that grant members had been talking about revising the statutes governing land grants for many years, and that the cooperation and perseverance that went into passing last year's legislation could be seen as a rebirth of land grants in New Mexico. He noted that for nearly 240 years, a family chain had protected the grant and that that chain should not be broken. He stressed that land grant members are heirs, but also benefactors for future generations. Mr. Lucero said that Tomás Velez Cachupin also established the San Antonio de las Huertas Land Grant in 1763, and told the grant how to build the walls, plaza, corrals and fortified parapets. The area was fairly peaceful from 1765 to the 1820s, but less so with the Mexican takeover in the 1820s, when many grant members moved down to the river communities. The original grant extended from the town of Bernalillo to the

top of the Sandias, encompassing about 48,000 acres, and 130,000 acres in additional claims, he explained, but only 4,763 acres were approved by the Court of Private Land Claims, which restricted claims to individual allotments in accordance with the *Sandoval* decision. A third of the approved grant went to the grant's lawyer, Mr. Catron, and today only about 500 acres of the grant remain. The Sandia Mountain Wilderness was formed out of old grant lands, so members can no longer use that land for grazing, he explained. Mr. Lucero said the grant is now confronted with what to do in the future, and said members would like to develop projects, such as building a nursing home and low-cost housing and educating young people in business. When asked if the price of land in Placitas is more than in Carnuel, Mr. Lucero replied that taxes are high and that paying the grant's taxes is sometimes a problem. Representative Garcia suggested that the committee examine the issue of taxes on grant lands.

### **GOVERNOR'S CONCERNS REGARDING SENATE BILL 142; COMMON LANDS DEFINITION; COUNTY ATTORNEY ISSUES**

Hilary Tompkins, deputy counsel, Office of the Governor, explained that the Attorney General's Office (AGO) is of the opinion that the state is under no obligation to provide land grants with legal representation, which is consistent with other political subdivisions of the state that must provide for their own legal representation. Committee staff added that the counsel for the Association of Counties reported that he also sees no county obligation to provide legal representation to land grants based merely on their status as political subdivisions of the state. Consequently, Ms. Tompkins said she does not see a need to amend the provisions of the land grant statutes as they pertain to legal representation of the land grants.

The second issue Ms. Tompkins addressed is the addition of "common lands" to Article 1 of Chapter 49 NMSA 1978. She explained that the language she is proposing is simply a draft proposal and that her office would work with committee staff, land grant representatives, the AGO and the title insurance industry to make any necessary changes to the language. Ed Roibal, executive director of the New Mexico Land Title Association, said that at first blush the proposed language looks good and that he could probably support it. He offered to work with everyone to come up with a final version. There was general agreement that the purpose of inserting a definition of common lands is to allay fears that the changes made to the general provisions governing land grants potentially affect existing rights of access to private lands within community land grants.

Mr. Gonzales informed the governor's staff about the concerns that grant members have about Interstate 40 and the wildlife corridor proposals in Tijeras Canyon. Ned Farquhar, environmental advisor to the governor, said he would be glad to follow up with Mr. Gonzales, the department of game and fish and the department of transportation. Committee members also asked that someone from the governor's staff attend all the committee's meetings. Mr. Farquhar offered that he would be happy to attend the upcoming meetings.

### **ECONOMIC DEVELOPMENT PLANNING FOR COMMUNITY LAND GRANTS**

Arturo Archuleta, North Central Economic Development District (NCEDD), explained that though the NCEDD only covers a seven-county area in north central New Mexico, which does not include Bernalillo or Tarrant counties, it is better positioned to assist land grants than the Middle Rio Grande Planning District because of its experience working on rural development issues. He said the NCEDD has begun working on a formal process with the department of finance and administration by which land grants can apply for capital outlay funds and can offer land grants technical assistance to develop comprehensive plans. One area in which land grants are disadvantaged, he noted, is in finding a guaranteed revenue stream to leverage debt.

Steve Gonzales, region two representative of the Economic Development Department (EDD), explained that House Memorial 50 requested the governor and EDD to move forward with promoting business and the appropriate economic development of land grants. Accordingly, he said, the department is planning the first land grant summit, which will be held in mid-November in Albuquerque. The summit will focus on economic development, finance, management and other issues, according to Steve Gonzales.

Moises Gonzales, Mexicano Land Trust, stated that the land trust had gotten its initial funding through the federal Housing and Urban Development Department pursuant to its faith-based initiative program. He listed several projects that the land trust is promoting with regard to land grants, including meeting housing needs, job creation, developing infrastructure, land use planning and zoning over the long term, GIS mapping of common lands and recovery of lost lands. Moises Gonzales went on to describe various projects and plans being considered for Carnuel, Tijeras, Chilili, Truchas, Cundiyo, Anton Chico, Petaca Juan Batista Valdez, Abiquiu, Las Huertas and others. The projects range from water and wastewater systems, small business centers and senior citizen care centers to film production facilities, backpacking lodges and game management plans.

When asked about forest-thinning projects and land grants, Steve Gonzales replied that Las Vegas has received a grant and Vallecitos is addressing the issue. Mr. Farquhar urged the land grant representatives to attend a September 9 meeting on the state's healthy forest planning process.

## **PUBLIC COMMENT**

Juan Sanchez, Chilili, expressed concern about having a definition of common lands in the statutes, noting that each grant is different, and that if fee simple land is at some point returned to a grant, it would not necessarily be part of the common lands.

Tony Lucero, Las Huertas, suggested "a valid heir" should be used, rather than just the term "heir", and that "valid title" should be changed to "good chain of title out of the grant".

Carmen Quintana said that the organization she represents has worked on land grant bylaws and many grants have made progress. She also mentioned that land grants such as Santa Fe have sold or given away grant lands without ever compensating the grant's heirs.

The committee recessed at 4:45 p.m.

**Friday, September 3**

The committee reconvened at the Cañón de Carnue Land Grant Hall at 9:00 a.m. and then traveled south to tour the Chilili Land Grant. Juan Sanchez showed the committee the land grant's gymnasium, which is still being built, and described the many difficulties in getting needed services to the grant. Mr. Sanchez also gave a brief history of the grant. After lunch at the Chilili Land Grant Community Center, the committee adjourned at 2:00 p.m.